

Case 2:18-cv-00661-RDP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

Pamela Stubbs,
Plaintiff.

vs.

Compass Bank,
Defendant.

Amended Hostile Work Environment Complaint

Plaintiff, Pamela Stubbs, hereby submits its opposition to Defendant's Motion to Dismiss the Complaint.

COMPLAINT

I. JURISDICTION

1. The jurisdiction of court is invoked pursuant to Title VII of the Civil Rights Act of 1964 as amended. The jurisdiction of this court is invoked to secure protection for and to redress the deprivation of rights secured by 2000e providing relief against a Hostile Work Environment under the protected class of race and Cat's Paw Liability. Plaintiff has initiated her EEOC charge and received her Notice of Right to Sue Letter. Prior to Filing this Complaint. See Exhibit A.

II. PARTIES

2. Plaintiff Stubbs is an African American female living in Jefferson County, Alabama.
3. Defendant Compass Bank is a domestic corporation doing business in Jefferson County on the date of the events that are the basis for this complaint.

III. STATEMENT OF FACTS

HOSTILE WORK ENVIRONMENT

4. Plaintiff was hired in or about November 2007.
5. An email was sent to HR during the week of 12/22/2017 concerning harassment against her by a manager (Kelly Ellis) and a co-worker (Jacqueline Ligon). See exhibit B.
6. Plaintiff Stubbs stated to HR Partner that she had a meeting with Kristen Metty, Kelly Ellis' manager during the month of February 2017.
7. Plaintiff Stubbs stated to Metty that Kelly Ellis was harassing her assigning more difficult cases to her which makes it very difficult or impossible to meet required departmental goals. It was also stated that Kelly constantly places her hand firmly on the Plaintiff's shoulder as to intimidate her. This behavior continued even after a follow-up meeting with HR on 02/01/2018. See Exhibit C
- On 06/04/2018 Kelly walked up behind Plaintiff Stubbs and poked her in the back with her fingers.

See Exhibit D. The behavior was unwelcomed, humiliating, and was believed to be done to intentionally causing Stubbs emotional distress and uncertainty for her safety.

8. Monthly evaluations were given by Team Lead Judy Jones from 03/2017 to 06/26/2017 where it was stated that there were no problems with the Plaintiff's work. Then on 07/17/2017 Plaintiff Stubbs was told that she was not a team player, that she would be graded poorly in that area which would in-turn negatively affect her raise for next year and block any available promotions. (Burlington Industries, Inc. v. Ellerth) affirming that employer is strictly liable for supervisor harassment in a tangible employment action such as failing to promote. It was also discovered that Derogatory statements were added to the Plaintiff's file by Kelly and management will not give the Plaintiff a copy of the evaluations as to hinder any opportunity of transferring out of the department.

9. On 12/26/2017 Plaintiff Stubbs emailed a letter to the Office of General Counsel at Compass Bank stating that the work environment has become stressful due to a co-worker Jacqueline Ligon spreading rumors throughout the department that Stubbs has a sexually transmitted disease. This is intentional

infliction of emotional distress that has harmed my reputation and caused co-workers to disassociate themselves from me. It was also noted in the email that Jacqueline Ligon has conducted this type of behavior in the past. It is also believed that management knew or should have known about the offensive and abusive behavior but allowed it to be permitted See exhibit E. (Cat's Paw Liability) “[I]f the [non decision maker employee] performs an act motivated by [prohibited] animus that is intended by [non decision making employee] to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, then [employer] is liable as cited in the opinion on remand, Staub v. Proctor Hosp., 421 F. App'x 647, 648 (7th Cir. 2011).] [emphasis added]

10. On 06/26/2018 a second EEOC charge was filed #420-2018-02838. Plaintiff Stubbs stated that she overheard manager Kelly Ellis say to another co-worker that as long as she is employed with Compass Bank she would make her life a living hell. See exhibit E. Due to the unlawful, extreme and outrageous behavior of Kelly Ellis Stubbs has suffered mentally as well as physically. She was hospitalized From 07/22/2018 to 07/27/2017, has missed several days from work causing disciplinary actions towards her attendance and defamation of character

overlooked by management. Stubbs believes the actions of Kelly Ellis, Emotional Distress and Abusive Work Environment is the on-set of her health declining.

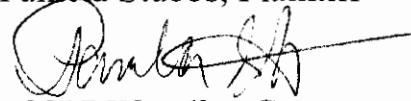
11. Although Plaintiff describes circumstances in the EEOC charge that fully reflect a Hostile Work Environment, the Plaintiff unintentionally did not check the “Other” box for Hostile Work Environment and Cat’s Paw Liability.

WHEREFORE, PREMISES CONSIDERED, Plaintiff request the following relief:

1. Grant Plaintiff an order requiring Defendant to make Plaintiff whole by granting appropriate declaratory relief, compensatory and punitive damage.
2. Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorney and those acting in concert therewith from continuing to violate the civil rights laws.
- 3.

Respectfully submitted this 19th day of November, 2018

Pamela Stubbs, Plaintiff



3317 Woodley Court

Hoover, AL 35216

205-422-8500

EXHIBIT A

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EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
<small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	420-2018-00883
<small>and EEOC</small>			
<small>State or local Agency, if any</small>			
<p>for complaining to Kelly Ellis manager. On December 22nd, 2017 I contacted HR Representative Tammy Fincher to complain about defamation of character by a co-worker with behavior being known to upper management. I told Tammy that Jacqueline Ligon a BSA Specialist and is under the management of Monica Fuquo. For several months Jacqueline has defamed my character by spreading rumors throughout the department that I have a sexually transmitted disease. Other offensive comments were stated concerning my hair, clothing, and that I am unclean. It is well known throughout the department that Jacqueline has conducted this type of behaviour in the past as it was stated to me by Keldric Williams that Jacqueline spreaded rumors about him throughout the BSA department and caused co-workers to stay away from him. After hearing my complaint about Jacqueline, Tammy stated that there was not much that could be done. It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of BSA/AML Department were questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management. In addition The week of December 22nd, 2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of December 29th, 2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment. It is unfair that my character is defamed by a co-worker and job threatened by my manager. I am seeking help to stop the rumor, harassment and retaliation.</p> <p>I believe that I have been retaliated against for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

Digitally signed by Pamela Stubbs on 12-29-2017 02:36 PM EST

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE
(month, day, year)

EXHIBIT B

Mail

[More](#)[COMPOSE](#)SGL-06157131 HR Solutions [Inbox](#) x[Inbox \(6\)](#)[Starred](#)[Sent Mail](#)[Drafts \(90\)](#)[BSA \(54\)](#)[Changes and Updat...](#)[Good Reading \(54\)](#)[HR \(12\)](#)[KYC Emails \(14\)](#)[NSU \(37\)](#)[Personal \(163\)](#)[Reviewer Comments...](#)[More](#)**HRHELP.US@bbva.com**

to me

Good morning Pam,

Hope that you're doing well today! You will need to reach out to your Talent Partner direct Tammy Fincher and she can be reached at tammy.fincher@bbva.com or directly at 205-2

Thank you for contacting Team Member Services!

Lori

<<<<<<<<<<<<<>>>>>>>>>>>>>>>>>>>

DESCRIPTION: From: PAM STUBBS

Subject: Requesting a Meeting.

Good Morning,

I would like to request a meeting with an HR representative concerning Harassment and Retaliation against me by management and a co-worker.

Thank You.

EXHIBIT C



Tammy

Mail

Report Phishing

Move to Inbox

More

COMPOSE

Invitation: Follow up meeting w/ Talent & Culture @ Thu Feb 1, 2018 1pm - 2pm (CST) (pam.stubbs@bbva.com) Personal x

Inbox (1)

TAMMY FINCHER <tammy.fincher@bbva.com>
to me, PATRICIA, KELLY, JUDY

Jan 31

Starred

Sent Mail

Drafts (15)

BSA (54)

Calendar

Changes and Updat...

Good Reading (55)

HR (16)

KYC Emails (14)

NSU (37)

Personal (171)

More

Feb

1

Thu

Follow up meeting w/ Talent & Culture...

View on Google Calendar

When Thu Feb 1, 2018 1pm – 2pm (CST)

Where Daniel 1E-2 /1st floor Talent & Culture area

Who KELLY ELLIS, PATRICIA OSBORNE, JUDY JONES, TAMMY FINCHER*

Agenda

Thu Feb 1, 2018

No earlier events

1pm Follow up meeting w/ Talent & Culture...

No later events

 Yes Maybe No

Follow up meeting w/ Talent & Culture

more det

When Thu Feb 1, 2018 1pm – 2pm Central Time

Where Daniel 1E-2 /1st floor Talent & Culture area ([map](#))Calendar pam.stubbs@bbva.com

Who

- TAMMY FINCHER - organizer
- PATRICIA OSBORNE
- KELLY ELLIS
- JUDY JONES
- pam.stubbs@bbva.com

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)Invitation from [Google Calendar](#)You are receiving this email at the account pam.stubbs@bbva.com because you are subscribed for invitations on calendar pam.stubbs@bbva.com.To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

invite.ics Download

EXHIBIT D



PAM STUBBS <pam.stubbs@bbva.com>

Continued unacceptable behaviour of Kelly Ellis

1 message

PAM STUBBS <pam.stubbs@bbva.com>
To: tammy.fincher@bbva.com

Mon, Jun 4, 2018 at 2:00 PM

Hi Tammy,

This is Pam Stubbs again writing to let you know that I am continuing to have problems with Kelly Ellis. Just a few minutes ago Kelly walked up to me and put her hand on my back. I should not have to keep telling this woman to keep her hands off of me. It has been made known that I do not want her touching me so why is she still being allowed to do it.

If she wants to get my attention she can tap on the desk or just speak a little louder but putting her hands on me is unacceptable. I just wanted to let you know before I move forward with my complaint.

Thanks

Pam

BBVA Compass
Pam Stubbs
AML/BSA

Tel. (205) 297-3352 - Fax (205) 524-3686 email - pam.stubbs@bbva.com
Danial Building - Birmingham, AL
Inter-Office Mailcode: AL-BI-CH-BS

EXHIBIT E

EEOC Form 5 (11/09)

EXHIBIT F

I am writing to complain about a stressful work environment due to Defamation of character by a co-worker with behavior being known by upper management.

Jacqueline Ligon is a BSA Specialist I and works under Monica Fuqua. For several months now Jacqueline has defamed my character by spreading rumors throughout the BSA department that I have a sexually transmitted disease. She has spread rumors outside of the office to people that we commonly know. Other offensive comments were stated concerning my hair, clothing and that I am unclean.

This is intentional infliction of emotional Distress that has harmed my reputation and caused co-workers to disassociate themselves with me.

Jacqueline Ligon has conducted this type of behavior in the past as stated to me by Keldric Williams. He stated that she spread rumors about him throughout the BSA Department which caused co-workers to stray away from him. Another incident stated to me by Antoine Welch. Jacqueline cursed his out in front of other employees grabbed her belongings a left the office.

It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of the EDD, CTR, OFAC and AML Department are questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management.

I tried reporting my complaint to my talent and culture representative, Tammie Fincher. After hearing my complaint Tammie stated that there was not much that could be done. That is when I decided to send my complaint to the Office of General Counsel.

In Addition: The week of 12/22/2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of 12/29/2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment it is unfair that my character is defamed by a co-worker and my job threatened by management. I am seeking help from the council to make this inappropriate, unlawful behavior stop.



Pamela J. Stiles 12-26-2017

in:chats

July 25, 2014.

Mail

COMPOSE

Inbox (1)

Starred

Sent Mail

Drafts (76)**BSA (54)****Changes and Upd...****Good Reading (50)****HR (12)****KYC Emails (14)****NSU (31)****Personal (118)****Reviewer Comme...**

Less

Important

Chats

All Mail

Spam

Chat with KELDRIC J WILLIAMS ---

little. Probably use to those a\$\$ kissers.

PAMELA D STUBBS ---

Well, Diana told me the CTR system has not been working properly for about 2 years and they are having to go back for 2 whole years to review work. 11:01 AM

KELDRIC J WILLIAMS ---

The two years i've been here no one would talk to me for at least a year and a half other than miserable jackie. She just wanted dirt she could tell about me though. This is a stiff group.

PAMELA D STUBBS ---

I know. But, I can handle that. I don't like people in my business anyway. I just don't want to move :'(

KELDRIC J WILLIAMS ---

You don't have to move. IF you are asked to help and you accept then let them know its only until they catch up or ask for a time frame. I don't want people in my business either especially as much as some of these people whisper in here. If anyone ever spoke or talked to me jackie would start rumors that i was up to something. She even got alot of people avoiding or being chatty